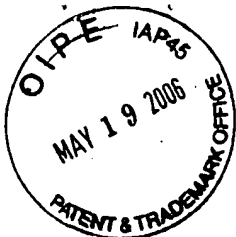


IFW



S&H Form: (2/01)  
DOCKET NO. 1454.1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eduard JORSWIECK et al.

Serial No: 10/535,209

Group Art Unit: 2143

Confirmation No. 9399

Filed: December 14, 2005

Examiner: Unassigned

For: MIMO SIGNAL PROCESSING METHOD INVOLVING A RANK-ADAPTIVE MATCHING  
OF THE TRANSMISSION RATE

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the city of residence for the second applicant and the name of the first applicant on the Official Filing Receipt be corrected. Assuming that umlauts cannot be printed on the Official Filing Receipt, the place of residence for Eduard Jorswieck should be **Schoeneiche**, GERMANY. The correct name of the first applicant is **Thomas Haustein**, as is evidenced by the copy of the executed Declaration, attached to the application as filed. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the errors have been noted in red.

It is requested that a corrected Official Filing Receipt be issued in this application.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 19, 2006

By: Mark J. Henry

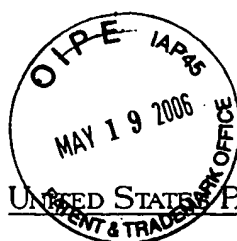
Mark J. Henry  
Registration No. 36,162

1201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500

©2001 Staas & Halsey LLP

Facsimile: (202) 434-1501





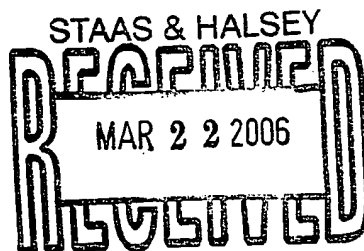
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/535,209	12/14/2005	2143	1030	1454.1615	6	17	1

CONFIRMATION NO. 9399

21171  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005



## FILING RECEIPT



\*OC000000018213033\*

Date Mailed: 03/13/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

[Eduard Jorswieck,] Berlin, GERMANY; -- Thomas Haustein --  
Eduard Jorswieck, [Schoneiche] GERMANY; -- Schoeneiche --  
Volker Jungnickel, Berlin, GERMANY;  
Clemens von Helmolt, Berlin, GERMANY;

**Power of Attorney:** The patent practitioners associated with Customer Number 21171.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DE03/03713 11/10/2003

## Foreign Applications

GERMANY 102 54 384.4 11/17/2002

**Projected Publication Date:** 06/15/2006

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Mimo signal processing method involving a rank-adaptive matching of the transmission rate

**Preliminary Class**

709

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# Declaration and Power of Attorney For Patent Application

## Erklärung Für Patentanmeldungen Mit Vollmacht

### German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

dass mein Wohnsitz, meine Postanschrift, und meine Staatsangehörigkeit den im Nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, dass ich, nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit dem Titel beantragt wird:

#### MIMO-Signalverarbeitungsverfahren mit einer rangadaptiven Anpassung der Datenübertragungsrate

deren Beschreibung hier beigelegt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

- ☒ wurde angemeldet am 10.11.2003 unter der US-Anmeldenummer oder unter der Internationalen Anmeldenummer im Rahmen des PCT-Vertrags PCT/DE03/03713 und am \_\_\_\_\_ abgeändert (falls zutreffend).

Ich bestätige hiermit, dass ich den Inhalt der obigen Patentanmeldung einschliesslich der Ansprüche, die eventuell durch einen Zusatzantrag wie oben erwähnt abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, United States Code, § US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land ausser den Vereinigten Staaten von Amerika beinhalten, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### MIMO-Signalverarbeitungsverfahren mit einer rangadaptiven Anpassung der Datenübertragungsrate

the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on 10.11.2003 as United States Application Number or PCT International Application Number PCT/DE03/03713 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority under Title 35, 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

## German Language Declaration

Prior foreign applications  
Priorität beansprucht

## Priority Claimed

10254384.4DE17.11.2002(Number)  
(Nummer)(Country)  
(Land)(Day Month Year Filed)  
(Tag Monat Jahr eingereicht)☒

Yes

Ja

☐

No

Nein

(Number)  
(Nummer)(Country)  
(Land)(Day Month Year Filed)  
(Tag Monat Jahr eingereicht)☐

Yes

Ja

☐

No

Nein

(Number)  
(Nummer)(Country)  
(Land)(Day Month Year Filed)  
(Tag Monat Jahr eingereicht)☐

Yes

Ja

☐

No

Nein

(Number)  
(Nummer)(Country)  
(Land)(Day Month Year Filed)  
(Tag Monat Jahr eingereicht)☐

Yes

Ja

☐

No

Nein

Ich beanspruche hiermit die mir unter Title 35, US-Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in einer gemäß dem ersten Absatz von Title 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/DE03/03713(Application Serial No.)  
(Anmeldeseriennummer)10.11.2003(Filing Date D, M, Y)  
(Anmeldedatum T, M, J)anhängig(Status)  
(patentiert, anhängig,  
aufgegeben)pending(Status)  
(patented, pending,  
abandoned)(Application Serial No.)  
(Anmeldeseriennummer)(Filing Date D, M, Y)  
(Anmeldedatum T, M, J)(Status)  
(patentiert, anhängig,  
aufgeben)(Status)  
(patented, pending,  
abandoned)

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes gefährden können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## German Language Declaration

VERTRETUNGSVOLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt: (Name(n) und Registrationsnummer(n) auflisten)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Customer No. 21171

And I hereby appoint

Telefongespräche bitte richten an:  
(Name und Telefonnummer)

Direct Telephone Calls to: (name and telephone number)

Ext. \_\_\_\_\_

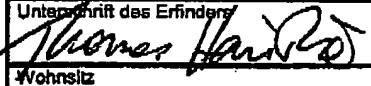
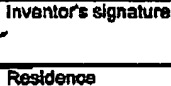
Postanschrift:

Send Correspondence to:

Staas & Halsey LLP Intellectual Property Attorneys  
1201 New York Avenue, NW, Suite 700 20005 Washington UNITED STATES OF AMERICA  
Telephone: (001) 202 434 1500 and Facsimile (001) 202 434 1501

or

Customer No. 21171

Voller Name des einzigen oder ursprünglichen Erfinders:	Full name of sole or first inventor:
Thomas Haustein	Thomas Haustein
Unterschrift des Erfinders	Inventor's signature
	
Datum	Date
11.6.2005	
Wohnsitz	Residence
Berlin, GERMANY	Berlin, GERMANY
Staatsangehörigkeit	Citizenship
DE	DE
Postanschrift	Post Office Address
Brehmestr. 59	Brehmestr. 59
13187 Berlin	13187 Berlin
GERMANY	GERMANY
Voller Name des zweiten Miterfinders (falls zutreffend):	Full name of second joint inventor, if any:
Eduard Jorswieck	Eduard Jorswieck
Unterschrift des Erfinders	Inventor's signature
Datum	Date
Wohnsitz	Residence
Schöneiche	Schöneiche
Staatsangehörigkeit	Citizenship
DE	DE
Postanschrift	Post Office Address
Wollgrasweg 9	Wollgrasweg 9
15566 Schöneiche	15566 Schöneiche

(Bitte entsprechende Informationen und Unterschriften im Falle von dritten und weiteren Miterfindern angeben).

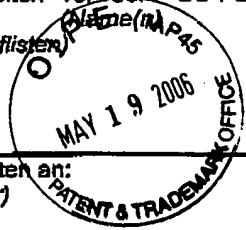
(Supply similar information and signature for third and subsequent joint inventors).



## German Language Declaration

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt: *(Name(n) und Registrationsnummer(n) auflisten)*

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: *(list name and registration number)*



Customer No. 21171

And I hereby appoint

Telefongespräche bitte richten an:  
(Name und Telefonnummer)

Direct Telephone Calls to: *(name and telephone number)*

Ext. \_\_\_\_\_

Postanschrift:

Send Correspondence to:

Staas & Halsey LLP Intellectual Property Attorneys  
1201 New York Avenue, NW, Suite 700 20005 Washington UNITED STATES OF AMERICA  
Telephone: (001) 202 434 1500 and Facsimile (001) 202 434 1501

or

Customer No. 21171

Voller Name des einzigen oder ursprünglichen Erfinders:		Full name of sole or first inventor:	
Thomas Haustein		Thomas Haustein	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz		Residence	
Berlin, GERMANY		Berlin, GERMANY	
Staatsangehörigkeit		Citizenship	
DE		DE	
Postanschrift		Post Office Address	
Brehmestr. 59		Brehmestr. 59	
13187 Berlin		13187 Berlin	
GERMANY		GERMANY	
Voller Name des zweiten Miterfinders (falls zutreffend):		Full name of second joint inventor, if any:	
Eduard Jorswieck		Eduard Jorswieck	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
<i>Eduard Jorswieck</i>	15.05.2005	<i>Eduard Jorswieck</i>	15.05.2005
Wohnsitz		Residence	
Schöneiche,		Schöneiche,	
Staatsangehörigkeit		Citizenship	
DE		DE	
Postanschrift		Post Office Address	
Wollgrasweg 9		Wollgrasweg 9	
15566 Schöneiche		15566 Schöneiche	




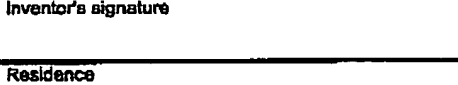
(Bitte entsprechende Informationen und Unterschriften im Falle von dritten und weiteren Miterfindern angeben).

(Supply similar information and signature for third and subsequent joint inventors).

Voller Name des dritten Miterfinders: <b>Dr. Volker Jungnickel</b>		Full name of third joint inventor: <b>Dr. Volker Jungnickel</b>	
Unterschrift des Erfinders <i>[Signature]</i>	Datum <b>3.6.05</b>	Inventor's signature	Date
Wohnsitz <b>Berlin, GERMANY</b>		Residence <b>Berlin, GERMANY</b>	
Staatsangehörigkeit		Citizenship	
Postanschrift <b>Stechlinstr. 3</b>		Post Office Address <b>Stechlinstr. 3</b>	
<b>10318 Berlin</b>		<b>10318 Berlin</b>	
<b>GERMANY</b>		<b>GERMANY</b>	
Voller Name des vierten Miterfinders: <b>Dr. Clemens von Helmolt</b>		Full name of fourth joint inventor: <b>Dr. Clemens von Helmolt</b>	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz <b>Berlin, GERMANY</b>		Residence <b>Berlin, GERMANY</b>	
Staatsangehörigkeit <b>DE</b>		Citizenship <b>DE</b>	
Postanschrift <b>Baseler Strasse 32</b>		Post Office Address <b>Baseler Strasse 32</b>	
<b>12205 Berlin</b>		<b>12205 Berlin</b>	
<b>GERMANY</b>		<b>GERMANY</b>	
Voller Name des fünften Miterfinders:		Full name of fifth joint inventor:	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz:		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	
Voller Name des sechsten Miterfinders:		Full name of sixth joint inventor:	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	

(Bitte entsprechende Informationen und Unterschriften im Falle von dritten und weiteren Miterfindern angeben).

(Supply similar information and signature for third and subsequent joint inventors).

Voller Name des dritten Miterfinders: <b>Dr. Volker Jungnickel</b>		Full name of third joint inventor: <b>Dr. Volker Jungnickel</b>	
Unterschrift des Erfinders 	Datum <b>MAY 19 2005</b>	Inventor's signature 	Date <b>MAY 19 2005</b>
Wohnsitz <b>Berlin, GERMANY</b>		Residence <b>Berlin, GERMANY</b>	
Staatsangehörigkeit 		Citizenship 	
Postanschrift <b>Stechlinstr. 3</b>		Post Office Address <b>Stechlinstr. 3</b>	
<b>10318 Berlin</b> <b>GERMANY</b>		<b>10318 Berlin</b> <b>GERMANY</b>	
Voller Name des vierten Miterfinders: <b>Dr. Clemens von Helmolt</b>		Full name of fourth joint inventor: <b>Dr. Clemens von Helmolt</b>	
Unterschrift des Erfinders 	Datum <b>17.05.05</b>	Inventor's signature 	Date <b>17.05.05</b>
Wohnsitz <b>Berlin, GERMANY</b>		Residence <b>Berlin, GERMANY</b>	
Staatsangehörigkeit <b>DE</b>		Citizenship <b>DE</b>	
Postanschrift <b>Baseler Strasse 32</b>		Post Office Address <b>Baseler Strasse 32</b>	
<b>12205 Berlin</b> <b>GERMANY</b>		<b>12205 Berlin</b> <b>GERMANY</b>	
Voller Name des fünften Miterfinders:		Full name of fifth joint inventor:	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	
Voller Name des sechsten Miterfinders:		Full name of sixth joint inventor:	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	

(Bitte entsprechende Informationen und Unterschriften im Falle von dritten und weiteren Miterfindern angeben).

(Supply similar information and signature for third and subsequent joint inventors).